

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MONDO VALDEZ,

Plaintiff,

v.

WASHINGTON STATE
PENITENTIARY (ADMINISTRATION
FROM 2005-2006), et al.,

Defendants.

CASE NO. C10-5407BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation of the Honorable Karen L. Strombom, United States Magistrate Judge (Dkt. 15). The Court having considered the Report and Recommendation and the remaining record, and no objections having been filed, does hereby find and order as follows:

- (1) The Report and Recommendation is **ADOPTED**;
- (2) Plaintiff's complaint is **DISMISSED without prejudice** for failure to state a claim as a matter of law under 42 U.S.C. § 1983; and
- (3) This dismissal is counted as a **STRIKE** pursuant to 28 U.S.C. § 1915(g).

DATED this 10th day of November, 2010.



BENJAMIN H. SETTLE
United States District Judge